

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

(db-6400)

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JACQUELINE McCOVEY,

Civil Action No.:

Plaintiff,

-against-

THE TJX COMPANIES, INC.,

NOTICE OF REMOVAL

Kings County

Index No.: 506727/2022

Defendant.

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TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF NEW YORK:

Defendant, THE TJX COMPANIES, INC. (hereinafter "TJX"), by its attorneys, SIMMONS JANNACE DELUCA, LLP, upon information and belief, respectfully petitions the Court, pursuant to 28 U.S.C. § 1441, as follows:

1. The above-captioned civil action was commenced and is now pending in the Supreme Court of the State of New York, County of Kings bearing Index Number 506727/2022. A trial has not yet been had therein. A copy of the Summons and Verified Complaint is annexed as **Exhibit "A"**.

2. On March 28, 2022, this office interposed an Answer to plaintiff's Complaint on behalf of TJX. A copy of TJX's Answer is annexed hereto as **Exhibit "B"**.

3. The action seeks monetary damages for injuries allegedly suffered by plaintiff, JACQUELINE McCOVEY, allegedly as the result

of JACQUELINE McCOVEY being on the premises of the defendant's store. The plaintiff's Complaint sounds in negligence.

4. The action involves a controversy between citizens of different states, in that: (a) plaintiff is a citizen of the State of New York; and (b) THE TJX COMPANIES, INC. is now, and was at the time the action was commenced, a corporation incorporated in the State of Delaware with its principal place of business in the State of Massachusetts.

5. This action is one of which the District Courts of the United States have original jurisdiction under 28 U.S.C. § 1332. There is complete diversity between the parties.

6. In addition, the amount in controversy exceeds \$75,000, as evidenced by paragraph one (1) of the plaintiff's Combined Response to Discovery Demands dated April 5, 2022 and received on April 8, 2022, in which it is alleged that plaintiff demands Six Million Dollars (\$6,000,000) in damages relating to the subject incident. A copy of plaintiff's Combined Response to Discovery Demands is annexed hereto as **Exhibit "C"**.

7. Written notice of the filing of this Notice of Removal will be given to plaintiff promptly after the filing of this Notice.

8. A true and correct copy of this Notice of Removal will be filed with the Clerk of the Court of the Supreme Court of the

State of New York, County of Kings promptly after the filing of this Notice.

9. Attached to this Notice, and by reference made a part hereof, are true and correct copies of all process and pleadings filed herein.

10. By filing this Notice of Removal, TJX does not waive any defense which may be available to it, specifically including, but not limited to, its right to contest *in personam* jurisdiction over plaintiff's improper service of process and the absence of venue in this Court or the Court from which this action has been removed.

WHEREFORE, TJX prays that the above-captioned action now pending in the Supreme Court in the State of New York, County of Kings, be removed therefrom to this Court.

Dated: Hauppauge, New York
May 5, 2022

Simmons Jannace DeLuca, LLP

By: D.P.B.
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